

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN OF GEORGIA
ATLANTA DIVISION**

STACY COX and
SCOTT MEWBORN

Plaintiffs

V.

NEW YORK LIFE INSURANCE
COMPANY
(AARP OPERATIONS)

Defendant

CIVIL ACTION

FILE NO. _____

NOTICE OF REMOVAL

Now comes Defendant NEW YORK LIFE INSURANCE COMPANY ("NYLIC") and, pursuant to 28 U.S.C. §§ 1441 and 1446, removes this action to the United States District Court for the Northern District of Georgia, Atlanta Division, showing the following:

1.

This action was commenced in the Superior Court of Gwinnett County, Georgia, on July 11, 2023, as Case No. 23-A-05959-3.

2.

Plaintiffs' complaint and a summons were personally served on CT Corporation System, NYLIC's agent for service of process, on July 21, 2023. This

notice of removal is filed within thirty (30) days of such service, in accordance with 28 U.S.C. §§ 1441 and 1446.

3.

The parties to this action are Plaintiffs, citizens of the State of Georgia, and NYLIC, a mutual insurance company organized and existing under the laws of New York, maintaining its principal office and principal place of business in New York, New York.

4.

As set forth in the complaint, Plaintiffs seek to recover \$100,000 in death benefits, a statutory penalty under O.C.G.A. § 33-4-6, and attorney's fees.

5.

Therefore, this action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that (a) Plaintiffs and Defendant are citizens of different states, and (b) the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.

6.

Attached hereto and made part hereof by reference are true copies of the following documents filed in the Superior Court of Gwinnett County, Georgia:

Exhibit A – Complaint and exhibits;

Exhibit B – Summons;

Exhibit C – Sheriff's Entry of Service;

Exhibit D – General Civil and Domestic Relations Case Filing Information
Form;

Exhibit E – The notice of removal filed by NYLIC in the Superior Court of
Gwinnett County, Georgia.

WHEREFORE, Defendant NEW YORK LIFE INSURANCE COMPANY
prays that the Superior Court of Gwinnett County, Georgia, proceed no further
with Case No. 23-A-05959-3, and that the action be removed to the United States
District Court for the Northern District of Georgia, Atlanta Division.

This 18th day of August, 2023.

/s/ Aaron E. Pohlmann
Aaron E. Pohlmann
Georgia Bar No. 582685

Attorney for Defendant
New York Life Insurance Company

WOMBLE BOND DICKINSON (US) LLP
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CERTIFICATE

NEW YORK LIFE INSURANCE COMPANY, Defendant in the case of *Stacy Cox and Scott Mewborn v. New York Life Insurance Company (AARP Operations)*, pending in the Superior Court of Gwinnett County, Georgia, Civil Action File No. 23-A-05959-3, has given notice of the filing of the foregoing Notice of Removal to the Plaintiffs and their attorneys-at-law by mailing a copy of this Notice of Removal to the attorneys of record for Plaintiffs at their address in Gainesville, Georgia, and has filed a copy of said Notice of Removal with the Clerk of the Superior Court of Gwinnett County, Georgia, in accordance with 28 U.S.C. § 1446. The undersigned counsel of record for New York Life Insurance Company hereby certifies that the above statement is true and correct.

This 18th day of August, 2023.

/s/ Aaron E. Pohlmann

Aaron E. Pohlmann

Georgia Bar No. 582685

Attorney for Defendant

New York Life Insurance Company

WOMBLE BOND DICKINSON (US) LLP

271 17th Street, NW

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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing **Notice of Removal** by depositing same in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon as follows:

William D. Rhoads
Daniel M. Dupree
P.O. Box 1098
Gainesville, Georgia 30503-1098

This 18th day of August, 2023.

/s/ Aaron E. Pohlmann
Aaron E. Pohlmann